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TAGS: [PREL](#) [PARM](#) [KCFE](#) [NATO](#) [OSCE](#) [RS](#) [UP](#)
SUBJECT: UKRAINE: U.S. NON-PAPER ON CFE DELIVERED;
UKRAINIANS PROVIDE A PARALLEL NON-PAPER

REF: A. STATE 116196

- [1](#)B. MOSCOW 4118
- [1](#)C. HULTMAN-LOGSDON AUGUST 22
- [1](#)D. 2007 EMAIL

Classified By: Political Counselor Kent Logsdon for reasons 1.4(,b,d).

[1](#)1. This is an action request. See paragraph 5.

[1](#)2. (C) As agreed ref email, PolCouns met with MFA Director for Non-Proliferation and Arms Control Volodymr Belashov August 23, to follow up on Acting EUR A/S Volker's meeting with the Ukrainian Charge and Moldovan Ambassador August 22 in Washington. Also as instructed, Polcouns provided a copy of the Ref A non-paper and stressed that the U.S. was committed to find a way to work with Russia and other CFE states to see the A/CFE Treaty enter into force. Belashov was grateful for a copy of the non-paper; he had not yet received a copy from the Ukrainian DCM in Washington or a readout of the meeting with Acting A/S Volker.

[1](#)3. (C) Belashov said that Ukraine had been consulting with a number of Treaty members regarding a possible way ahead and looked forward to reviewing the U.S. proposal. He asked whether the U.S. had consulted with other Treaty members in addition to NATO allies and Russia, in particular Georgia. Belashov also noted that Ukrainian DFM Veselovskiy had proposed to Russian FM Kislyak that they meet to discuss the Russian position sometime between September 3 and 5; however, a date had not yet been agreed.

[1](#)4. (C) According to Belashov, Ukraine strongly supports preserving the CFE regime and is eager to work together with the U.S., Russia and other Treaty members to do that. Ukraine wants to deal with Russian concerns, especially with regard to the Istanbul commitments, in a way that allows movement toward ratification. To the end, Ukraine now had an approved non-paper that Belashov shared with PolCouns, along with a request that it be passed to the U.S. experts for comment. Belashov hoped to have U.S. comments in hand prior to the proposed September 3-5 bilateral meeting with the Russians. Text of the Ukrainian English language non-paper follows in paragraph 6 (two longer papers in Ukrainian were also given to PolCouns, described by Belashov as a more detailed accounting of Ukraine's position; post will translate relevant portions of those to be conveyed to EUR/UMB and EUR/RPM.

[1](#)5. (C) Action Request. Please provide information regarding other Treaty members (in addition to NATO, Russia, Ukraine and Moldova) who have received a copy of the U.S. non-paper. In addition, post would appreciate any Washington comments on the Ukrainian non-paper by August 31, so that we can share them with the MFA prior to any bilateral meeting with Russia regarding the treaty. Finally, post would

appreciate guidance on what we can share regarding the Russian reaction to the non-paper (Reftel B). Department's assistance is appreciated.

16. (SBU) Text of the Ukrainian Non-Paper.

Ukraine fully supports preserving the CFE regime in the wider sense of this important international instrument of maintaining stability and security in Europe.

Ukraine fully acknowledges the fact that the CFE Treaty of 1990 is not adequate to the current situation in Europe.

Having ratified the Agreement on Adaptation of the CFE Treaty in September 20, 2000 Ukraine has acknowledged the necessity to strengthen the CFE Treaty regime.

By refraining from transmitting to the Depository the instrument of ratification of the Agreement on Adaptation of the CFE Treaty, Ukraine has clearly set out its position: this Agreement should enter into force only after Russia duly meets its commitments under the Final Act of the Conference of the CFE Treaty participating states and the Declaration of Istanbul OSCE summit.

Ukraine is ready to engage actively in the search of possible solution of existing problems to keep the CFE regime, including participation in consultations with the States Parties to the CFE Treaty.

Ukraine's support of the basic provisions of the CFE Treaty does not preclude the possibility of looking into the problems raised by Russia, Azerbaijan and other CFE Treaty Parties.

Ukraine acknowledges that there are no legal grounds for

Russia to suspend its implementation of the CFE Treaty. So, such a step could be considered as a violation of the Treaty.

At the same time, we are sure that it will be unproductive to engage into a broad discussion on the legality of Russia's actions because such a discussion will be, undoubtedly, confrontational, unfruitful and will distract a lot of time and attention from the search of practical solution of existing problems acceptable to all CFE Treaty States Parties. Moreover, insisting on "illegality" of the suspension by Russia of the CFE Treaty implementation can only "encourage" Russia to denounce the Treaty, which is undesirable both for Ukraine, NATO CFE Treaty States Parties and the Alliance as a whole.

Thus, Ukraine proposes to avoid such futile discussion but to start right now a constructive search for the settlement of existing problems concerning the CFE Treaty.

Ukraine considers it necessary to continue this work even if the existing problems are not settled before December 12, 2007, that is - even after Russian suspension of its implementation of the CFE Treaty.

At the same time the Russia's suggestion "to be asked by the CFE Treaty participating states to continue its work in the frame of the Joint Consultative Group (JCG) and the conference of participating states" when Russia does not implement the CFE Treaty

obligations on a highly doubtful legal basis is unacceptable.

To continue the dialogue it is expedient to establish, within or outside the JCG, the ad-hoc working open to all States Parties and Russia. The other possible way out could be the statement by Russia that it ceases to implement all provisions of the CFE Treaty, "except Russia's participation in negotiating bodies of the CFE Treaty with appropriate payment for their functioning". In other words, it should be the Russia's initiative, but not that of the other CFE Treaty States Parties. At the same time the multilateral format may and even should be complemented by bilateral contacts with

Russia, but all final decisions should be taken by consensus.

Possible steps for settling the problem.

¶1. Russian Federation and Georgia guarantee to the Russian military pensioners who live on the territory of the Russian "Gudauta" base, the proper accommodation of their choice on the territory of the Russia Federation or Georgia. After that Russia Federation transmits that base under the control of Georgia, possibly under some Georgian guarantees. For example, the base should not be used for military goals.

¶2. The Russian Federation reserves the right to remove all necessary ammunition and equipment from the depot on the territory of Moldova at the earliest possible date.

¶3. The rest of ammunition (unusable, redundant etc.) should be destroyed at the place of their storage or at the other objects with full NATO, EU or OSCE financing.

¶4. The responsibility for guarding Russian ammunition depots and arsenals on the territory of Moldova (in Transnistria) is gradually transferred from the armed forces of the Russian Federation to the international civil (police) contingent (in the framework of the OSCE operation) with the participation of the Russian Side if it deems it desirable. The main task, we think, is to internationalize" those operations. The lead nation of the mission should be defined with Russia's accord.

¶5. NATO member-states, the CFE Treaty participating states, commence the ratification process of the Agreement on Adaptation of the CFE Treaty, but submission of the instruments of ratification is postponed till there is a mutual understanding of "full implementation" of all Istanbul obligations of 1999 by Russia (so called "Ukrainian modified approach"). Of course, this process will be started after first positive "signals" on concrete achievements and will be finished after the final settlement of all existing problems.

End Text.

¶7. (U) Post appreciates Department's assistance. Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.
Taylor